

REMARKS

Applicant respectfully requests reconsideration of the application in view of the foregoing claim amendments and the following remarks.

I. Status of the Claims

Claims 1-13, 15-23 and 26-31 are pending in the application. Claims 5-13, 15-23 and 27-29 are withdrawn from consideration. Claims 26 and 31 are allowed. Claims 1-4 and 30 stand rejected. Claims 1, 2 and 3 are amended to delete the word solvates. No new matter has been added.

Withdrawn claims 5 and 6 have been amended to be in proper form for U.S. practice. Support for the amendments can be found, for example, at page 29, lines 32-35. Withdrawn claim 19 has been amended to be consistent in scope with claim 1. It is submitted that claims 5, 6, and 19 are rejoineable.

II. Claim Rejections under 35 U.S.C § 112

Claims 1-4 and 30 are rejected under 35 U.S.C. 112, first paragraph. Specifically, the Examiner states that the specification, while being enabling for a tautomer form, a stereoisomer or a pharmaceutically acceptable salt of a compound of formula (I), does not reasonably provide enablement for a solvate of a compound of formula (I).

Claims 1, 2 and 3 have been amended to delete the word "solvates." Claims 4 and 30 are dependent on claims 1 to 3. Therefore, Applicant respectfully submits that the rejection is now moot due to the amendments.

III. Rejoinder

Applicants respectfully request rejoinder of claims 5, 6, and 19 given that they are directed to methods of treatment using the allowable compounds and compositions and to method for preparing the compounds of claim 1. Applicant traversed the original restriction for just such a rejoinder.

CONCLUSION

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

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Respectfully submitted,

By 
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